

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Cecil Loney Baker, III,

Plaintiff,

Case No. 17-cv-11079

v.

Judith E. Levy

United States District Judge

Commissioner of Social Security,

Mag. Judge Patricia T. Morris

Defendant.

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**OPINION AND ORDER ADOPTING THE MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION [18]**

On December 20, 2017, Magistrate Judge Patricia T. Morris issued a Report and Recommendation (Dkt. 18) recommending that the Court grant defendant’s motion for summary judgment (Dkt. 16) and deny plaintiff’s motion for summary judgment. (Dkt. 14.) Plaintiff filed timely objections to the report and recommendation on January 3, 2018. (Dkt. 19.) Defendant has responded to plaintiff’s objections. (Dkt. 20.)

Plaintiff asserts three objections: 1) that the Magistrate Judge and Commissioner erred in not according controlling weight to plaintiff’s treating physician; 2) that the ALJ erred in making his credibility

determination; and 3) that the ALJ erred in considering the side effects of plaintiff's medication. The Court's review is "limited to whether the ALJ applied the correct legal standards and whether the findings of the ALJ are supported by substantial evidence." *Blakley v. Comm'r Of Soc. Sec.*, 581 F.3d 399, 405 (6th Cir. 2009). Each of plaintiff's objections restate arguments already made in his motion for summary judgment. Even where plaintiff references the Magistrate Judge's analysis, the claimed fault with the Magistrate Judge's analysis is the same as the claimed fault with the ALJ's analysis.

A plaintiff is required to make specific objections to specific errors in the Magistrate Judge's Report and Recommendation rather than restate arguments already presented to and considered by the Magistrate Judge. *Funderburg v. Comm'r of Soc. Sec.*, Case No. 15-cv-10068, 2016 WL 1104466, at *1 (E.D. Mich. Mar. 22, 2016); *Owens v. Comm'r of Soc. Sec.*, Case No. 12-cv-47, 2013 WL 1304470, at *3 (W.D. Mich. Mar. 28, 2013). This is so because the Magistrate Judge has already reviewed the determination of the Commissioner under the standard set forth above, which establishes a limited scope of review for the Court. Parties' objections must address the determinations the

Magistrate Judge made under the standard that constricts the Court's review, not seek a redundant review of the same material.

Because plaintiff has not presented specific objections to the Magistrate Judge's analysis, the Court is not required to analyze his objections, as they have already been analyzed by the Magistrate Judge. Nevertheless, the Court has carefully reviewed the Report and Recommendation and agrees with the Magistrate Judge's conclusions. Accordingly, it is hereby ordered that:

Magistrate Judge Patricia T. Morris's Report and Recommendation (Dkt. 18) is ADOPTED;

Plaintiff's motion for summary judgment (Dkt. 14) is DENIED;

Defendant's motion for summary judgment (Dkt. 16) is GRANTED; and

This case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: January 19, 2018
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 19, 2018.

s/Shawna Burns
SHAWNA BURNS
Case Manager